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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

ERIC GUNTHER, individually and on behalf of all others similarly situated, Plaintiff, v. CAPITAL ONE, N.A. d/b/a CAPITAL ONE BANK and CAPITAL ONE FINANCIAL CORPORATION, Defendants.	Case No. 09-cv-2966 (ADS) (AKT) Arthur D. Spatt, USDJ A. Kathleen Tomlinson, USMJ FILED IN CLERK'S OFFICE U.S. DISTRICT COURT E.D.N.Y. ★ MAY 12 2010 ★ LONG ISLAND OFFICE
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STIPULATED ORDER EXTENDING TIME TO FILE AMENDED COMPLAINT

1. Plaintiff Eric Gunther ("Plaintiff") filed his putative class action complaint on July 10, 2009.
2. Defendants Capital One, N.A. d/b/a Capital One Bank and Capital One Financial Corporation filed motions to partially dismiss Plaintiff's claims.
3. This Court granted in part and denied in part Defendants' motions to dismiss. See Docket No. 34.
4. The Court's motion to dismiss decision directed Plaintiff to file an amended complaint by May 12, 2010.
5. The parties have been and continue to engage in settlement discussions that may resolve this action.
6. Pursuant to the scheduling orders entered by Magistrate Judge Tomlinson in this action, the parties are presently engaged in discovery and the meet and confer process concerning their respective discovery responses.
7. Accordingly, the parties agree and it is hereby ordered that Plaintiff's deadline to

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file his amended complaint or to inform this Court ~~that~~ a settlement in principle has been negotiated is adjourned for one week, until May 17, 2010. In the event the parties inform this Court prior to May 17, 2010 that a settlement in principle has been negotiated, Plaintiff's deadline to file an amended complaint will be adjourned until such time as this Court enters a further order setting a new deadline for Plaintiff to file an amended complaint.

Dated: May 11, 2010
New York, New York

Respectfully submitted,

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Counsel for Defendants

It is SO ORDERED this 17th day of May, 2010

Hon. Arthur D. Spat USDJ

MOVANT'S COUNSEL IS DIRECTED TO SERVE A
COPY OF THIS ORDER ON ALL PARTIES UPON
RECEIPT VIA FACSIMILE.